

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-00411-RJC-DCK**

**MICHAEL ALLEN as Administrator for the  
Estate of Juventino Mata Hernandez,**

**Plaintiff,**

**vs.**

**USA HOIST COMPANY, INC.; CAROLINA  
ELEVATOR SERVICE, INC.; GILBANE  
BUILDING COMPANY and GILBANE, INC.,**

**Defendant.**

**ORDER CREATING  
IRREVOCABLE TRUST FOR  
MINOR**

**THIS MATTER** comes before the court on the Petition of the Plaintiff, and with the consent of the Defendants, to approve a wrongful death settlement in this matter. And it appearing to the Court, for the reasons set forth in the Petition, after consideration of the arguments of counsel, and the approval of the Settlement Agreement by the Administrator of the Estate and the mother of the minor child, that the Petition should be granted.

**IT IS, THEREFORE, ORDERED** as follows:


1. That the Settlement Agreement attached to the Petition as Exhibit A, is approved.
2. That the Court creates an irrevocable trust for the minor child as described in the Petition and to place said trust under seal.
3. From the settlement amount, the Court approves the following fees and expenses be paid from the settlement proceeds:

Total Recovery	\$2,100,000.00
Less Attorney fees (40%)	-840,000.00
Less reimbursement of costs	-58,079.39
Less repayment of WC lien	<u>-\$98,056.03</u>

NET SETTLEMENT PROCEEDS \$1,103,864.58

**SO ORDERED.**

Signed: January 31, 2022

  
Robert J. Conrad, Jr.  
United States District Judge

